

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3346

1800NHNHNH



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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2017 SEP 18 PM 1:57

September 18, 2017

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *EWL for*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser/Ben Holly *KR BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2017 Mid-Year Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2017 Mid-Year Report in accordance with 52 U.S.C. § 30104(a). The Mid-Year Report was due on July 31, 2017.

The committees listed in the attached RTB Circulation Report either failed to file the report, no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

Federal Election Commission
Reason to Believe Circulation Report
2017 MID-YEAR REPORT Not Election Sensitive 07/31/2017 UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3341	C00623256	AMERICA COMES FIRST PAC		DAVID W. SCHAMENS	\$154,404	3		Not Filed	\$154,404 (est)	\$13,371
3342	C00571398	BLAKPAC		SANDRA LOPEZ	\$142,914	0	8/25/2017	25	\$142,913	\$5,183
3343	C00630012	IT STARTS TODAY		JONATHAN ZUCKER	\$277,875	0	9/5/2017	Not Filed	\$277,875	\$11,114
3344	C00623355	NATIONAL TREASURY EMPLOYEES UNION ADVOCACY COMMITTEE		DEBORAH JANSEN	\$371,152	0		Not Filed	\$371,152 (est)	\$12,503
3345	C00625285	PHYLLIS SCHLAFLY'S EAGLE PAC		ED MARTIN	\$140,179	0		Not Filed	\$140,179 (est)	\$6,252
3346	C00502807	UNITED STATES PEANUT POLITICAL ACTION COMMITTEE (US PEANUT PAC)		ROBERT L. REDDING JR.	\$126,633	0		Not Filed	\$126,633	\$6,252

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2017)
Mid-Year Report for the Administrative)
Fine Program:)
AMERICA COMES FIRST PAC, and) AF# 3341
SCHAMENS, DAVID W MR. as treasurer;)
BLAKPAC, and SANDRA LOPEZ as) AF# 3342
treasurer;)
IT STARTS TODAY, and ZUCKER,) AF# 3343
JONATHAN as treasurer;)
NATIONAL TREASURY EMPLOYEES) AF# 3344
UNION ADVOCACY COMMITTEE, and)
JANSEN, DEBORAH as treasurer;)
PHYLLIS SCHLAFLY'S EAGLE PAC,) AF# 3345
and MARTIN, ED as treasurer;)
UNITED STATES PEANUT POLITICAL) AF# 3346
ACTION COMMITTEE (US PEANUT)
PAC), and ROBERT L REDDING JR as)
treasurer;)

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission,
do hereby certify that on September 20, 2017 the Commission took the following
actions on the Reason To Believe Recommendation - 2017 Mid-Year Report for the
Administrative Fine Program as recommended in the Reports Analysis Division's
Memorandum dated September 18, 2017, on the following committees:

AF#3341 Decided by a vote of 5-0 to: (1) find reason to believe that AMERICA
COMES FIRST PAC, and SCHAMENS, DAVID W MR. in his official capacity as
treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the
civil money penalty would be the amount indicated on the report; (2) send the appropriate
letter. Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted
affirmatively for the decision.

AF#3342 Decided by a vote of 5-0 to: (1) find reason to believe that BLAKPAC, and SANDRA LOPEZ in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3343 Decided by a vote of 5-0 to: (1) find reason to believe that IT STARTS TODAY, and ZUCKER, JONATHAN in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3344 Decided by a vote of 5-0 to: (1) find reason to believe that NATIONAL TREASURY EMPLOYEES UNION ADVOCACY COMMITTEE, and JANSEN, DEBORAH in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3345 Decided by a vote of 5-0 to: (1) find reason to believe that PHYLLIS SCHLAFLY'S EAGLE PAC, and MARTIN, ED in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3346 Decided by a vote of 5-0 to: (1) find reason to believe that UNITED STATES PEANUT POLITICAL ACTION COMMITTEE (US PEANUT PAC), and ROBERT L REDDING JR in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 21, 2017
Date

Dayna C. Brown
Dayna C. Brown
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 21, 2017

Robert L. Redding Jr., in official capacity as Treasurer
United States Peanut Political Action Committee (US Peanut PAC)
313 Massachusetts Avenue NE
Washington, DC 20002

C00502807
AF#: 3346

Dear Mr. Redding:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Mid-Year Report of Receipts and Disbursements in any calendar year other than one during which a regularly scheduled general election is held. This report, covering the period January 1, 2017 through June 30, 2017, shall be filed no later than July 31, 2017. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On September 20, 2017, the FEC found that there is reason to believe ("RTB") that United States Peanut Political Action Committee (US Peanut PAC) and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before July 31, 2017. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$6,252. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$6,252 is due within forty (40) days of the finding, or by October 30, 2017, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$126,633.
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or October 30, 2017. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that United States Peanut Political Action Committee (US Peanut PAC) and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection

Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including making a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Steven T. Walther
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$6,252 for the 2017 Mid-Year Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: United States Peanut Political Action Committee (US Peanut PAC)

FEC ID#: C00502807

AF#: 3346

PAYMENT DUE DATE: October 30, 2017

PAYMENT AMOUNT DUE: \$6,252



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2018 JAN 29 PM 12:35

SENSITIVE

January 29, 2018

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *KDR* Kristin D. Roser/Ben Holly *BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2017 Mid-Year Report

Attached is a list identifying political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2017 Mid-Year Report. The committees have not paid the civil money penalties requested at RTB and have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have not paid the civil money penalty.

For your information, one (1) committee disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. An overview of this case has been provided below.

Phyllis Schlafly's Eagle PAC (AF 3345) filed the 2017 Mid-Year Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$3,000 (previously estimated to be \$140,179), thus the fine would be lowered from \$6,252 to \$326.

RAD Recommendation

- (1) Make a final determination that the political committees and their treasurers, in their official capacity, listed on the attached report violated 52 U.S.C. § 30104(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

1-800-NINING-0001

1/30/2018 9:55 AM

Federal Election Commission
FD Circulation Report Fine Not Paid
2017 MID-YEAR REPORT Not Election Sensitive 07/31/2017 UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
3341	AMERICA COMES FIRST PAC		C00623256	DAVID W. SCHAMENS		Not Filed	\$154,404 (est)	3	09/20/2017	\$13,371	131	\$13,371
3342	BLAKPAC		C00571398	SANDRA LOPEZ	08/25/2017	25	\$142,913	0	09/20/2017	\$5,183	131	\$5,183
3345	PHYLLIS SCHLAFLY'S EAGLE PAC		C00625285	ED MARTIN	10/31/2017	Not Filed	\$3,000	0	09/20/2017	\$6,252	131	\$326
3346	UNITED STATES PEANUT POLITICAL ACTION COMMITTEE (US PEANUT PAC)		C00502807	ROBERT L. REDDING JR.		Not Filed*	\$126,633*	0	09/20/2017	\$6,252	131	\$6,252

* Per CFR § 104.18, this committee is required to file electronic reports. The committee filed the 2017 Mid-Year Report on paper, therefore, the report is considered not filed. Although not considered an acceptable filing, the financial activity on the paper report was used to calculate the committee's level of activity for the reporting period.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program – Final)
Determination Recommendation for the)
2017 Mid-Year Report:)
AMERICA COMES FIRST PAC, and) AF# 3341
SCHAMENS, DAVID W MR. as treasurer;)
BLAKPAC, and SANDRA LOPEZ as) AF# 3342
treasurer;)
PHYLLIS SCHLAFLY'S EAGLE PAC,) AF# 3345
and MARTIN, ED as treasurer;)
UNITED STATES PEANUT POLITICAL) AF# 3346
ACTION COMMITTEE (US PEANUT)
PAC), and ROBERT L REDDING JR as)
treasurer;)

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission,
do hereby certify that on February 06, 2018 the Commission took the following
actions on the Administrative Fine Program – Final Determination Recommendation
for the 2017 Mid-Year Report as recommended in the Reports Analysis Division's
Memorandum dated January 29, 2018, on the following committees:

AF#3341 Decided by a vote of 5-0 to: (1) make a final determination that
AMERICA COMES FIRST PAC, and SCHAMENS, DAVID W MR. in his official
capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money
penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter,
Petersen, Walther, and Weintraub voted affirmatively for the decision.


AF#3342 Decided by a vote of 5-0 to: (1) make a final determination that BLAKPAC, and SANDRA LOPEZ in her official capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3345 Decided by a vote of 5-0 to: (1) make a final determination that PHYLLIS SCHLAFLY'S EAGLE PAC, and MARTIN, ED in his official capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3346 Decided by a vote of 5-0 to: (1) make a final determination that UNITED STATES PEANUT POLITICAL ACTION COMMITTEE (US PEANUT PAC), and ROBERT L REDDING JR in his official capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

February 7, 2018
Date


Dayna C. Brown
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 7, 2018

Robert L. Redding Jr., in official capacity as Treasurer
United States Peanut Political Action Committee (US Peanut PAC)
313 Massachusetts Avenue NE
Washington, DC 20002

C00502807
AF#: 3346

Dear Mr. Redding:

On September 20, 2017, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that United States Peanut Political Action Committee (US Peanut PAC) and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2017 Mid-Year Report. By letter dated September 22, 2017, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$6,252 in accordance with the schedule of penalties at 11 CFR § 111.43.

On January 30, 2018, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on February 6, 2018 that United States Peanut Political Action Committee (US Peanut PAC) and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a), assessed a civil money penalty in the amount of \$6,252 in accordance with 11 CFR § 111.43, and voted to close the file.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 CFR §§ 111.42(b) and 111.20(c), the file will be placed on the public record within thirty (30) days from the date of this notification.

If you have any questions regarding this matter, please contact Ben Holly on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

Carole C. Hunter

Caroline C. Hunter
Chair

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3346